

HOUSE BILL 1425

By DeBerry J

AN ACT to amend Tennessee Code Annotated, Chapter 426 of the Public Acts of 1991, relative to authorizing referees for certain environmental courts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 426 of the Public Acts of 1991 is amended by adding the following new Section 4 and by renumbering present Sections 4 through 8 accordingly:

SECTION 4.

(a) In addition to the authority granted the judge of Division XIV in the preceding Sections, such judge may appoint one (1) or more suitable person or persons to act as referee or referees at the pleasure of the judge. A referee shall be licensed to practice law in this state and shall hold office at the pleasure of the judge. The compensation of a referee shall be fixed by the judge with the approval of the legislative body of the county to which this act applies, and paid from public funds.

(b) The judge may direct that any case or class of cases shall be heard in the first instance by the referee in all cases wherein the Division XIV court has jurisdiction in the manner provided for the hearing of such cases by the court.

(c) A referee has the same authority as the judge to issue any and all process. The referee in the conduct of the proceedings has the powers of a trial judge.

(d) Any party may, within five (5) days after a case is heard by a referee, excluding non-judicial days, file a request with the court for a hearing by the judge of Division XIV. The judge may, on the judge's own motion, order a rehearing of any matter heard before a referee, and shall allow a hearing if a

request for such hearing is filed as herein prescribed. Unless the judge orders otherwise, the recommendation of the referee shall be the decree of the court pending a rehearing.

(e) In case no hearing before the judge is requested or when the right to a hearing is waived, the findings of the referee shall become the decree of the court.

(f) All prior sections governing the organization, jurisdiction, and management of Division XIV court referred to in this act, which are not in conflict with this section, remain in full force and effect, and all other sections in conflict with this section are hereby repealed.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.